



**Policy: 1161**  
**Procedure: 1161.10**  
**Chapter: Investigations and Inspections**  
**Rule: Evidence Collection, Handling, and Disposal**

**Effective:** 8/12/08  
**Replaces: N/A**  
**Dated: N/A**

**Purpose:**

The Arizona Department of Juvenile Corrections (ADJC) establishes procedures for the collection, handling, and storage of evidence.

**Rules:**

1. **Physical Evidence:**
  - a. **Major Crime (i.e., Homicide, Aggravated Assault, Sexual Abuse/Assault) Scene Management:**
    - i. **ADJC EMPLOYEES** who discover that a major crime has occurred in a secure facility shall:
      - (1) If practicable, secure the area surrounding the item(s) to include:
        - (a) Removal of all juveniles and employees from the immediate vicinity;
        - (b) Securing room doors, hallways, and exits.
      - (2) If impracticable to secure the area due to security reasons:
        - (a) Touch or move items in such a way as to preserve the evidentiary value;
        - (b) Document any touching or movement of evidence by the person who did it.
      - (3) Contact main dispatch and request an immediate security response;
      - (4) Monitor the item(s) and/or scene until a security employee arrives.
    - ii. When notified, the **SECURITY OFFICER IN CHARGE OR DESIGNEE** shall:
      - (1) Respond to the location;
      - (2) Secure the scene;
      - (3) Relieve line employee, if applicable;
      - (4) Post an officer at the scene who shall:
        - (a) Ensure no one enters the scene without authorization;
        - (b) Log:
          - (i) Date;
          - (ii) Time;
          - (iii) Who s/he relieved; and
          - (iv) Entry and exit of all persons in the scene, why they were there, and if anything was altered or removed.
      - (5) Notify Inspections and Investigations Division (IID) regarding the discovery and request instructions regarding the proper handling of the evidence items;
      - (6) Proceed in accordance with instructions from IID to include but is not limited to:
        - (a) Photographs;
        - (b) Evidence collection; and
        - (c) Packaging.
      - (7) Ensure the person discovering the evidence submits an incident report; and
      - (8) Ensure all persons who enter a crime scene submit incident report supplements.
  - b. **Preservation and Packaging of Biological Evidence:**
    - i. **IID PERSONNEL AND/OR DESIGNEE AT THE DIRECTION OF IID PERSONNEL** shall process the collecting and packaging of **biological specimens** by the following:
      - (1) Use Universal Precautions in accordance with Form 3050.01A Universal Precautions, i.e., wearing latex protective gloves;
      - (2) Photograph all blood spatter evidence;
      - (3) Not cleaning up any biological evidence without authorization from IID;
      - (4) Package moist or wet items in brown paper bag(s);

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- (5) Place clean piece(s) of paper (preferably white) between the folds of cloth to protect and isolate the stained material from the unstained material;
- (6) Isolate each item and package it separately;
- (7) Seal packages thoroughly to prevent cross-contamination from other samples or specimens;
- (8) If glass vials or tubes are used, or the evidence is breakable, label the outside of the package "FRAGILE";
- (9) Affix a universal biohazard symbol to the outside container of all evidence containing blood or other potentially infectious material;
- (10) Package all evidence containing blood or other potentially infectious material in a suitable leak-proof plastic bag. The bag should be the outermost container for the evidence and does not preclude the use of other packaging materials as outlined in this procedure.

**c. Preservation and Packaging of Evidence**

**i. When packaging marijuana and narcotics, EMPLOYEES shall:**

- (1) Use Universal Precautions in accordance with Form 3050.01A Universal Precautions, i.e., wearing latex protective gloves;
- (2) Place item in ADJC clear plastic evidence bags;
- (3) Keep all dry items dry;
- (4) Seal any contraband removed from body cavities or known to have been exposed to body fluids in packaging marked "BIOHAZARD";
- (5) Not submit used chemical drug test kits.

**ii. When packaging hypodermic syringes and/or needles, EMPLOYEES shall:**

- (1) Use Universal Precautions in accordance with Form 3050.01A Universal Precautions, i.e., wearing latex protective gloves;
- (2) Package sharps in sealed, puncture-proof containers;
- (3) Label all sharps containers "BIOHAZARD";
- (4) Not attempt to replace needle-tip covers on syringes to avoid accidental needle sticks.

**iii. When packaging documents, EMPLOYEES shall:**

- (1) Not fold, bend, staple or in any other way alter the condition of the document;
- (2) Not write on the document;
- (3) Provide original document as opposed to the copy;
- (4) Place item in a clear plastic evidence bag.

**iv. When packaging contraband weapon sharps, EMPLOYEES shall:**

- (1) Take digital photograph of weapon with a measuring ruler next to the item (submit with Incident Report [IR]); and
- (2) Place item in ADJC plastic evidence bags;

**v. When packaging all other evidence, EMPLOYEES shall place items in ADJC plastic evidence bags**

**d. Storage and Handling:**

**i. EMPLOYEES shall:**

- (1) Maintain a chain of custody for each evidence item and document the information on Form 1161.10A Chain Of Custody;
- (2) Place evidence items in the facility evidence locker.

**ii. The EVIDENCE/PROPERTY MANAGER shall coordinate:**

- (1) Collection of all evidence items from each ADJC secure facility weekly, or as needed;
- (2) Inventory and store all evidence items in a designated secure location at central office; and
- (3) Delivery of evidence items to Department of Public Safety (DPS) Lab or court, as necessary to maintain the chain of custody.

**2. Evidence/Property Disposal:**

**a. Criminal Evidence/Property:**

- i. The **ASSIGNED INVESTIGATOR** shall:
- (1) Keep the Evidence/Property Manager or Designee informed regarding the status of all criminal cases submitted to include:
    - (a) Adjudication of charges in a court of law;
    - (b) Refusal of the prosecutor to issue a complaint;
    - (c) Plea bargain agreements;
    - (d) Inability to identify a suspect; and
    - (e) Expiration of the statute of limitations for filing charges.
  - (2) Upon the conclusion of a case, immediately complete and forward Form 1161.10A Property and Evidence Disposition Authorization to the Evidence/Property Manager or Designee authorizing the disposal of the evidence/property;
  - (3) Comply with Senate Bill 1412 (ARS §13-4221) Biological evidence obtained in connection with a felony sexual offense or homicide offense.
    - (a) *Notwithstanding any other law, the appropriate governmental entity shall retain all identified biological evidence that is secured in connection with a felony sexual offense or homicide for:*
      - (i) *The period of time that a person who was convicted of a felony sexual offense or homicide remains incarcerated for that offense or until the completion of the person's supervised release;*
      - (ii) *A cold case, fifty-five years or until a person is convicted of the crime and remains incarcerated or under supervised release for that offense.*
    - (b) *The governmental entity shall preserve the evidence for the period of time prescribed in subsection A of this section in a condition that is suitable for deoxyribonucleic acid testing;*
    - (c) *Evidence retained pursuant to this section shall be made available for deoxyribonucleic acid testing pursuant to section 13-4240;*
    - (d) *The government entity that investigates the crime may establish procedures for retaining representative samples of the biological evidence and disposing of bulk evidence that do not affect the suitability of the representative sample for deoxyribonucleic acid testing. The county attorney or attorney general shall approve any disposal of any bulk evidence. Prior to the disposal of any bulk evidence, reasonable efforts shall be made to provide written notice to the victim;*
    - (e) *This section does not preclude a governmental entity from disposing of evidence in a case in which a conviction has been obtained after the expiration of the defendant's sentence. Under any other circumstance, the governmental entity may dispose of bulk physical evidence after the conclusion of the convicted defendant's direct appeal and first postconviction relief proceeding or after the time for initiating the direct appeal and first postconviction relief proceeding has expired, with the agreement of the county attorney and the attorney general and then, upon written notice to the defendant, any counsel of record and the victim if no other law requires that biological evidence be preserved or retained;*
    - (f) *This section does not limit a governmental entity's discretion concerning the conditions under which biological evidence is retained, preserved or transferred among different entities if the evidence is retained in a condition that is suitable for deoxyribonucleic acid testing;*
    - (g) *For the purposes of this section:*
      - (i) *"Biological evidence" includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue or other identified biological material;*
      - (ii) *"Cold case" means a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law*

*enforcement agency and that has no viable and unexplored investigatory leads.*

- ii. Upon notification from the Assigned Investigator, the **EVIDENCE/PROPERTY MANAGER OR DESIGNEE** shall coordinate destruction of old criminal evidence/property items with the approved law enforcement agency.
  - b. **Administrative Evidence/Property:**
    - i. The **EVIDENCE/PROPERTY MANAGER OR DESIGNEE** shall ensure all evidence/property for administrative cases is retained in the Evidence/Property room for two years after the disposition of an administrative case to ensure it is available for the appeals process.
3. **Digital (Audio/Visual) Recordings:**
- a. The **ASSIGNED INVESTIGATOR** shall:
    - i. Save all digital recordings to the "I" drive-digital evidence folder of his/her ADJC computer as soon as possible;
    - ii. Organize new digital evidence by creating a new folder and by identifying it with the case number; and
    - iii. Be responsible for the security of his/her copy of digital recordings until its destruction.
  - b. Upon saving digital evidence in the I drive, the **ASSIGNED INVESTIGATOR** shall immediately destroy his/her copy of electronic recordings saved in his/her H drive.
4. **Evidence/Property Room Security:**
- a. The **EVIDENCE/PROPERTY MANAGER** shall ensure:
    - i. Unescorted access to the Evidence/Property Room is restricted to the:
      - (1) Evidence/Property Manager;
      - (2) IID Chief Administrator; and
      - (3) IID Commanders.
    - ii. All persons entering the Evidence/Property Room sign in and out in the Evidence/Property Room Log.

**Signature Date**

8-12-08

**Approved by Process Owner**

John Dempsey,  
Inspections and Investigations Chief Administrator

**Effective Date**

8/12/08

**Approved by**

Michael D. Branham, Director